

Message Text

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ORIGIN OES-05

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FM SECSTATE WASHDC

TO AMEMBASSY TOKYO PRIORITY

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E.O. 11652: N/A

TAGS:TSPA:JA

SUBJECT: US/JAPAN SPACE COOPERATION

REF: TOKYO 1945

1. REQUEST THE FOLLOWING BE FORWARDED TO STA:

IT HAS RECENTLY COME TO OUR ATTENTION THAT AMBIGUITY EXISTS IN THE TEXT OF THE LETTER FROM MR. KRATZER TOMR. IHARA CONCERNING THE QUESTION OF OBTAINING US PERMISSION FOR PROVISION OF HARDWARE, TECHNOLOGY AND LAUNCH SERVICES TO OTHER PARTIES. THE WORDS QUOTE THIRD PARTIES OR COUNTRIES UNQUOTE COULD BE CONSTRUED TO REQUIRE US PERMISSION FOR TRANSFER OF TECHNOLOGY BETWEEN JAPANESE COMPANIES, WHICH OF COURSE WAS NOT OUR INTENT. WE INTEND THEREFORE TO SUBSTITUTE THE PHRASE QUOTE TO NON-JAPANESE ENTITIES UNQUOTE FOR THE PHRASE QUOTE THIRD PARTIES OR COUNTRIES UNQUOTE AND THE PHRASE QUOTE TO OR FOR THE BENEFIT OF NON-JAPANESE ENTITIES UNQUOTE FOR THE PHRASE QUOTE TO A THIRD

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COUNTRY UNQUOTE.

THE PARAGRAPH WILL THEN READ: QUOTE IN ORDER TO ASSURE THAT SPACE HARDWARE OR TECHNOLOGY IS NOT DIFFUSED WITHOUT ADEQUATE US CONSIDERATION, WE HAVE REQUESTED FORMAL

GOVERNMENTAL ASSURANCES THAT THE HARDWARE AND/OR TECHNOLOGY APPROVED FOR TRANSFER WILL NOT BE MADE AVAILABLE TO A NON-JAPANESE ENTITY WITHOUT PRIOR US PERMISSION. AS DISCUSSED WITH COMMISSIONER AMISHIMA ON HIS VISIT TO THE US IN APRIL 1974, CONDITION OF USE SHALL BE UNDERSTOOD TO INCLUDE THE PROVISION OF LAUNCH SERVICES BY JAPAN TO OR FOR THE BENEFIT OF A NON-JAPANESE ENTITY. SINCE THE N-1 REQUEST IS UNIQUE IN OUR EXPERIENCE OF SPACE EQUIPMENT EXPORTS IN SCOPE AND LEVEL OF CAPABILITY WE REQUEST EXPLICIT RECOGNITION OF THIS UNDERSTANDING IN YOUR RESPONSE TO THIS LETTER. UNQUOTE.

2. FYI: AS DISCUSSED PREVIOUSLY THE PRIMARY CONCERN FORCING THIS CHANGE IS THAT THE PREVIOUS WORDING COULD ALLOW JAPANESE LAUNCH OF US PRIVATE PAYLOADS WITHOUT USG CONCURRENCE. THERE IS NO NECESSITY TO POINT THIS FACT OUT TO THE JAPANESE BUT IF QUERIED IT IS TRUE THAT LAUNCH OF US PRIVATE PAYLOADS WOULD REQUIRE US CONCURRENCE AND THIS SHOULD BE EXPLAINED FORTHRIGHTLY. THIS HAS BEEN US INTENT ALL ALONG AND DOES NOT REPRESENT A CHANGE OF US POLICY OR INTENT REGARDING THE TRANSACTIONS RESULTING FROM THE JAPANESE N-1 PROGRAM. IT IS FELT NECESSARY TO MAKE THIS CHANGE FOR PRECISION AND CLARITY IN THE AGREEMENT AND TO AVOID FUTURE PROBLEMS IN INTERPRETATION BUT WE WISH TO MINIMIZE ANY DISTURBING IMPACT ON THE NEGOTIATIONS AND THE SPEEDY JAPANESE DETERMINATION OF THEIR ANSWER TO THE PROPOSAL. END FYI.

3. SINCE THE JAPANESE HAVE NOT REACTED RAPIDLY TO ACCEPT THE PREVIOUSLY PROPOSED TEXT WE WILL NOT SEND A CORRECTED COPY UNTIL WE RECEIVE AN ANSWER FROM THE JAPANESE SIDE. PLEASE CONFIRM IN YOUR NEXT COMMUNICATION WHETHER MR. IHARA IS STILL THE PROPER ADDRESSEE IN STA.

4. REFERENCE PARA 3 TOKYO 1945. AS STATED PREVIOUSLY IT LIMITED OFFICIAL USE

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IS NOT US INTENTION TO EXTEND OR INTERPRET THE 1969 AGREEMENT EITHER BY EXCHANGE OF NOTES OR EXCHANGE OF LETTERS. THIS WILL BE A NEW AGREEMENT WHICH MAY HAVE THE SAME REQUIREMENTS FOR ASSURANCES AS THE 1969 AGREEMENT BUT WILL NOT BE AN EXTENSION OR INTERPRETATION. THIS SHOULD BE CLEAR TO THE JAPANESE AS THEY HAVE BEEN TOLD THIS PREVIOUSLY. KISSINGER

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